

Providing Equitable Services to Limited English Proficient Students in Private Schools



Special Populations Conference
Kellogg Center- East Lansing, MI
September 22-23, 2014

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Equitable Services Requirements

- ❖ Section 9501 of the ESEA (Title IX, Part E Uniform Provisions) applies to parts of Titles I (Title I, Part B), II, III, and IV, including Title III, Part A.
- ❖ After timely and meaningful consultation with appropriate private school officials, local educational agencies (LEAs) receiving Title III funds must provide educational services to limited English proficient (LEP) children and educational personnel in private schools that are located in the geographic area served by the local educational agency (LEA).

(Section 9501)





Equitable Services Requirements

- * Invitation to participate
- * Consultation
- * Identification of Eligible LEP students
- * Services
- * Evaluation
- * Fiscal Considerations
- * Complaint Procedure
- * Scenarios/Resources
- * Q & A



Equitable Services Requirements

- LEP and/or immigrant children and youth enrolled in private elementary and secondary schools that are located within **the area served by the LEA** (non-profit schools)
- **Teachers** and/or **other educational personnel** of LEP or immigrant children or youth
- Provided by LEAs or Consortia of LEAs



Equitable Services Requirements:

Invitation to Participate

- ☐ LEA contacts officials of private schools within the geographical area annually, even if officials have declined in the past
- ☐ Notice contains key issues relevant to equitable participation
- ☐ The private school may assist by providing key names of officials and their roles
- ☐ A group of private schools may be represented by one official



Equitable Services Requirements

Consultation

- Timely, on-going and meaningful
- Established with adequate notice
- Established before the LEA makes decisions about program design and implementation (e.g. ordering materials, hiring staff, etc.)
- Provides genuine opportunities for **all** parties to express their views
- May be conducted in face-to-face meetings, electronically or through large group meetings



Equitable Services Requirements

Consultation Topics

The LEA must consult with private school officials on such issues as:

- How the LEP children's needs will be identified
 - What services will be offered
 - How, where, and by whom the services will be provided
 - How the services will be assessed and how the results of the assessment will be used to improve services
 - Size and scope of services, & funds available for services
 - How and when the LEA will make decisions about the delivery of services, including thorough analysis of the views of private school officials on the provision of contract services through potential third-party providers
- (Section 9501(c)(1))*



Equitable Services Requirements Documenting *Consultation*

An LEA may document that it has:

- ✓ Annually informed private schools regarding Title III services
- ✓ Engaged in timely, on-going and meaningful consultation
- ✓ Identified the needs of private school students, teachers, and other educational personnel
- ✓ Allocated a per-pupil amount of funds for services to private school students, teachers, and other personnel that is equal to the per-pupil amounts for public school students, teacher, and other personnel



Equitable Services Requirements Documenting *Consultation* (cont.)

- ✓ Provided services, programs, materials, and resources,
- ✓ Evaluated programs for effectiveness, and
- ✓ Addressed adequately, problems and formal complaints raised by private school officials.

Sign-off forms with signature lines for LEA and private school officials may be used to verify that all required topics have been discussed along with meeting notes and minutes.



Equitable Services Requirements

Identification of Eligible LEP Students

- ✓ LEAs may request documentation, as needed, from private school officials to enable the LEA to identify students who are eligible to participate in Title III. Documentation requests should not pose an administrative barrier to participation.
- ✓ If a private school requests assistance from an LEA in identifying LEP students, it is the LEA's obligation to assist the private school. This service can be considered part of the services provided to private school students by the LEA.



Services to LEP Students May Include:

- Administration of English language proficiency (ELP) assessment for identification and/or for purpose of evaluation of effectiveness of services (test booklets, teacher training, stipends to teachers to administer assessments)
- Participation in district-sponsored professional development or PD organized specifically for the private school teachers
- Tutoring for students after school hours
- Participation of private school ELL students in summer school
- Participation of students in a weekend program
- Purchase of supplemental instructional materials and supplies
- Participation in parent engagement activities and sessions



Equitable Services Requirements

Evaluation - Annual English Language Proficiency Assessment

Title III does not require LEAs to administer their State's annual English language proficiency assessments for identified English Language learners in private schools.

However, LEAs are required under Title IX uniform provisions to consult with the private school officials about:

- ❖ How the Title III, Part A services provided to private schools and teachers will be assessed, and
 - ❖ How the results of the assessment will be used to improve those services
- [Section 9501(c)(1)(D)]



Equitable Services Requirements

Evaluation (cont.)



If private schools administer a different assessment than what the State requires of the LEA, they must share the data and the LEA must keep record of such assessment results of eligible students. Such assessments may include LAS, Woodcock-Munoz, etc. Use of any assessments should be determined through timely and meaningful consultation.

Private students are not included in Title III AMAOs.



Equitable Services Requirements

Fiscal Considerations

- The LEA must always maintain control of the program funds, as well as title to all materials, equipment, and property purchased with federal funds.
- Only the LEA may obligate and expend federal funds on behalf of private school students and teachers.
- Funds may be expended school-by-school or by pooling funds from which the LEA provides equitable services in some or all of these schools.



Equitable Services Requirements

Fiscal Considerations (cont.)

- Title III funds may not be used to finance the existing level of instruction in a private school.
- Title III funds may only be used to pay for the services of an employee of a private school if duties are performed outside of the individual's regular duty hours, and under public supervision and control.



Equitable Services Requirements

Complaint Procedures

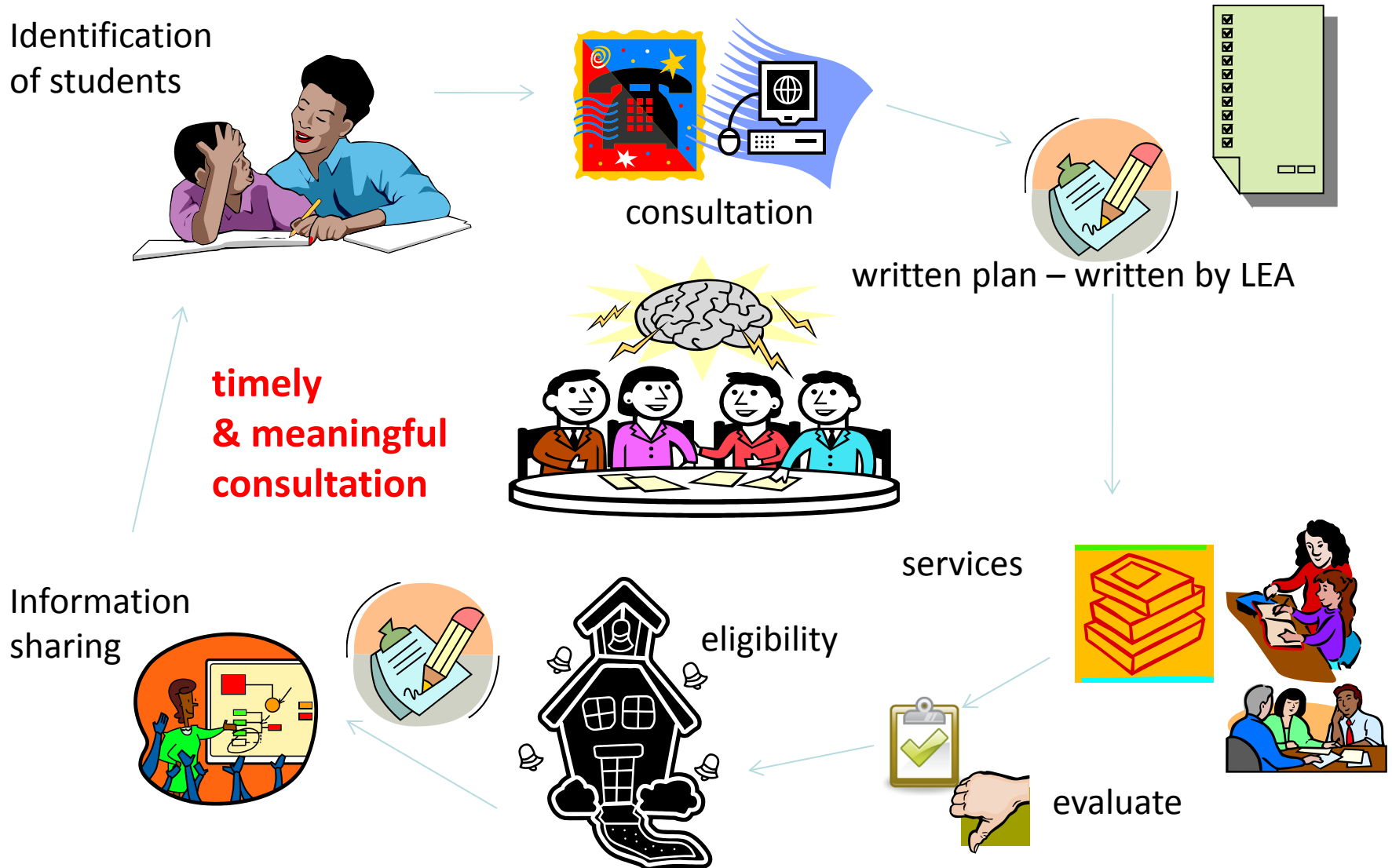


If private school officials believe timely and meaningful consultation has not occurred, they should discuss this first with the LEA, and if needed, with the SEA. In the event the issue is unresolved, private school officials have the right to file a formal written complaint to the SEA.

A formal complaint must include: a statement that a violation of the equitable services requirement has taken place, the facts on which the statement is based, and the signature of the complainant.



Providing Services to LEP Students in Private Schools under Title III



Equitable Services Requirements

Scenario 1

If the LEA and private school officials agree through timely and meaningful consultation, that an ELP assessment will be used for either identification of ELs or assessment of effectiveness of services, which party is responsible for costs associated with assessment administration?

Answer: In the scenario described above, the LEA is ultimately responsible for covering the costs of administering these assessments. The LEA and private school officials are advised to ensure that the ELP assessment(s) are:

- a) the most appropriate instrument(s) to administer to the target students and,
- B) the assessment (s) are valid and reliable for these students.



Equitable Services Requirements

Scenario 2

When is the best time/month to invite private non-public schools (PNPs) for consultation?

Answer: In MI, we advise that such consultations should begin in February or early March as LEAs start reviewing their assessment data and conduct the Comprehensive Needs Assessment to create/revise their School Improvement Plan.

LEAs are encouraged to conduct their consultation with PNPs in regard to Title III services at the same time they conduct their consultations regarding all other federal grants.



Equitable Services Requirements *Resources*

- *Elementary and Secondary Education Act of 1965, (ESEA) as amended, Section 9501 (Title IX, Part E Uniform Provisions):*
<http://www2.ed.gov/policy/elsec/leg/esea02/index.html>
- *EDGAR 34 CFR 76- Education Department General Administrative Regulations - For regulations on state administered programs, see parts 76 and 80 of EDGAR*
<http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.pdf>
- *Equitable Services Implementation Plan- USED Webinars:*
<http://www2.ed.gov/about/offices/list/oii/nonpublic/webinars.html>



Questions?



Contact

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Title

